

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARL JOHNSON.

Defendant.

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8:06CR296

ORDER

This matter is before the court on the motion for an extension of time by defendant Carl Johnson (Johnson) (Filing No. 16). Johnson seeks until October 27, 2006, in which to file pretrial motions in accordance with the progression order (Filing No. 8). Johnson's counsel represents that Johnson will file an affidavit wherein Johnson agrees to the motion and understands the additional time may be excluded from computations under the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Johnson's motion for an extension of time (Filing No. 16) is granted. Defendant Johnson is given until **on or before October 27, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 24, 2006 and October 27, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 1:30 p.m. on November 1, 2006, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 24th day of October, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge